

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3051
)	
Plaintiff,)	TENTATIVE FINDINGS REGARDING
)	DEFENDANT'S STATEMENT OF
v.)	OBJECTIONS TO REVISED
)	PRESENTENCE INVESTIGATION
JESUS MANUEL RODRIGUEZ)	REPORT
MARTINEZ,)	
)	
Defendant.)	
_____)	

The defendant has objected to the Revised Presentence Investigation Report as to paragraphs 45, 46, 47, 48, 49, and 56 of the Revised Presentence Investigation Report, and to the report's failure to grant a downward adjustment of two levels pursuant to U.S.S.G. § 5C1.2, "Limitation on Applicability of Statutory Minimum Sentences in Certain Cases." The probation officer concluded in the Addendum that the defendant had failed to comply with requirement 2 of U.S.S.G. § 5C1.2 because of § 2D1.1(b)(1), possession of a dangerous weapon (*see* paragraph 94).

I tentatively find that all paragraphs not objected to are true and accurate, that an evidentiary hearing must be had with respect to the objections, and that the prosecution's request for approximately 3 hours for live testimony in response to the objections, including the presenting of rebuttal evidence regarding the application of the safety valve, is granted. Objection to the tentative findings may be made at the time of the sentencing hearing, but no evidence shall be received and none has been requested, except as to the objections identified herein.

Dated July 26, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge